

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

KENNETH DRAKE

Plaintiff,

vs.

LOWE'S COMPANIES, INC.

Defendant.

Case No. CIV.S-04-0142 FCD/JFM

**ORDER GRANTING
EX PARTE APPLICATION FOR
REQUEST FOR CONTINUANCE OF
HEARING DATE ON DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Dept. Courtroom 2
Judge: Hon. Frank C. Damrell, Jr.

The court is in receipt of Plaintiff's Ex Parte Application for Request of Continuance of Hearing Date on Defendant's Motion for Summary Judgment and Request for Continuance of Filing Opposition. The court, upon entire review of the file, finds good cause exists to grant an extension but not for the length requested. Therefor,

IT IS HEREBY ORDERED that the application is GRANTED as follows:

1. The Defendant's Motion for Summary Judgment/Summary Adjudication currently scheduled for hearing on July 8, 2005 at 10:00 a.m. shall be rescheduled to July 22, 2005 at 10:00 a.m. and that Plaintiff's opposition shall be due to be filed and served in accordance to the new hearing date and Local Rule 78-230.

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1 2. The Final Pre-Trial Conference is RESET to September 9, 2005 at 2:30 p.m.
2 and the trial date shall remain as set on October 31, 2005

3 Dated: June 20, 2005

4 /s/ Frank C. Damrell Jr.
5 Frank C. Damrell, Jr.
6 United States District Judge
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